UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,631	12/07/2000	Steven M. French	AUS920000800US1	1071

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EXAMINER
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ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 06/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/731,631	Applicant(s) FRENCH ET AL.
	Examiner Tammy T Nguyen	Art Unit 2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2000*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

UNITED STATES PATENT AND TRADEMARK OFFICE

Detailed Office Action

1.   This action is in response to the application **09/731, 631** filed. **December 7, 2000.**

2.   Claims **1-23** have been examined.

Specification

3.   The lengthy specification has not been checked to the extent necessary to determine

the presence of all possible minor errors. Applicant's cooperation is requested in correcting

any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-23 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by

Beelitz et al. (USPN 6,182,275 – Date of Patent: January 20, 2001, herein referred to as

"Beelitz").

6.   As to claim 1, Beelitz teaches the invention as claimed, a method of selecting an

operating system at a target device in communication with a server, comprising: initiating a

network bootstrap program at the target device (col.14, lines 66 to col.15, line 5); sending a

bootstrap list command from the target device to the server (col.14, line 66 to col.15, line7);

receiving an operating systems list of at least one operating system prior to executing an

operating system at the target device (col.15, lines 1-7); and selecting a target operating

system from the operating systems list (col.15, lines 5-12, and col.16, lines 30-40).

7.   As to claim 2, Beelitz teaches the invention as claimed, further comprising: receiving

instructions for the target operating system (col.14, lines 57-65).

8.   As to claim 3, Beelitz teaches the invention as claimed, further comprising:

requesting the instructions for the target operating system from the server (col.14, lines 65-

67) .

9.   As to claim 4, Beelitz teaches the invention as claimed, further comprising: booting

the target operating system based on the instructions (col.14, lines 60-65).

10.   As to claim 5, Beelitz teaches the invention as claimed, wherein the operating

systems list includes a default operating system (col.7, lines 49-54).

11.   As to claim 6, Beelitz teaches the invention as claimed, further comprising: relocating

the network bootstrap program after the target operating system is selected (col.8, lines 40-

45).

12.   As to claim 7, Beelitz teaches the invention as claimed, wherein the target operating

system is determined from a configuration file of the target device (col.18, lines 60-65, and

lines 5-10).

13.   As to claim 8, Beelitz teaches the invention as claimed, wherein the target operating

system is selected by a user of the target device (col.15, lines 5-12).

14.   As to claim 9, Beelitz teaches the invention as claimed, further comprising:

determining from a user profile, at least one-available operating system; and including the

user-available operating system with the operating systems list (col.7, lines 49-56).

15.   As to claim 10, Beelitz teaches the invention as claimed, further comprising:

determining from a target device profile, at least one device-available operating system; and

including the device-available operating system with the operating systems list (col.7, lines

49-56).

16.   As to claim 11, Beelitz teaches the invention as claimed, including a computer program product in a computer usable medium for selecting an operating system at a target device, comprising: means for initiating network bootstrap program code at the target device (col.14, lines 66 to col.15, line 5); means for receiving a command requesting an operating systems list of at least one operating system (col.14, line 66 to col.15, line7); means for sending the operating systems list to the target device before an operating system is executed at the target device (col.15, lines 1-7); and means for receiving a selection of a target operating system from the operating systems list (col.15, lines 5-12, and col.16, lines 30-40).

17.   As to claim 12, Beelitz teaches the invention as claimed, further comprising: means for sending the target operating system to the target device (col.7, lines 35-40).

18.   As to claim 13, Beelitz teaches the invention as claimed, further comprising: means for determining a default operating system (col.17, lines 10-19).

19.   As to claim 14, Beelitz teaches the invention as claimed, further comprising: means for relocating the network bootstrap program code after the target operating system is selected (col.8, lines 40-45).

20.   As to claim 15, Beelitz teaches the invention as claimed, further comprising: means for determining the target operating system from a configuration file of the target device (col.18, lines 5-10, and lines 60-67).

21.   As to claim 16, Beelitz teaches the invention as claimed, further comprising: means

for receiving the selection of the target operating system from a user of the target device

(col.15, lines 5-12).

22.   As to claim 17, Beelitz teaches the invention as claimed, further comprising: means

for determining at least one operating system available to the user (col.7, lines 35-56).

As to claim 18, Beelitz teaches the invention as claimed, including a network data processing

system comprising: means for initiating a network bootstrap program at a target device

(col.14, lines 66 to col.15, line 5); means for sending a command requesting an operating

systems list of at least one operating system (col.14, line 66 to col.15, line7); means for

receiving the operating systems list prior to executing an operating system at the target

device (col.15, lines 1-7); and means for selecting a target operating system from the

operating systems list at the target device (col.15, lines 5-12, and col.16, lines 30-40).

23.   As to claim 19, Beelitz teaches the invention as claimed, further comprising: means

for receiving the target operating system at the target device (col.15, lines 2-7).

24.   As to claim 20, Beelitz teaches the invention as claimed, further comprising: means

for executing the target operating system at the target device (col.5, lines 37-42).

25.   As to claim 21, Beelitz teaches the invention as claimed, further comprising: means

for relocating the network bootstrap program after the target operating system is selected

(col.8, lines 40-45).

26.   As to claim 22, Beelitz teaches the invention as claimed, further comprising: means

for determining the target operating system from a configuration file of the target device

(col.18, lines 5-10, and lines 60-67).

27.   As to claim 23, Beelitz teaches the invention as claimed, further comprising: means

for determining the target operating system from input of a user of the target device (col.2,

lines 9-17).

Conclusion

28.   Any inquiries concerning this communication or earlier communications from

the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at

(703) 305-7982. The examiner can normally be reached Monday through Friday between 8:00

a.m. and 5:30 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this

instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by

telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at **(703)**

308-3873.

TTN
April 28, 2004

MARC D. THOMPSON

MARC THOMPSON

PRIMARY EXAMINER